IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24071 of 2004

Between:

M/s Sri Seetharamanjaneya Gas Co/. Rep. by its Proprietrix
Smt.M.Prasuna W/o.Nageswara Rao
73-13-9, A.V.Appa Rao Road Rajahmundry (E.G.District)

..... PETITIONER

AND

1 The Asst.Director Employees State Insurance Corporation
Sub Regional Office Padmanabha Buidlings, Gandhi Nagar
Vijayawada-520 003.
2 The Recovery Officer Employees

State Insurance Corporation
Sub Regional Office Padmanabha Buidlings, Gandhi Nagar
Vijayawada-520 003.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the Respondents herein by issuing a writ of Mandamus that the action of the Respondent No.2 in issuing the order
in his proceedings No.AP/SRO/VJA/PRO/62/Q/27228-43/04, dt.18.10.2004 as highly illegal, arbitrary and violative of the principles of natural justice and consequently direct the respondents to drop all further proceedings pursuant to the said order.

Counsel for the Petitioner: MR.B.GAJENDER REDDY

Counsel for the Respondents: MR.B.G.RAVINDRA REDDY (S.C.for E.S.I.)

The Court at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 24071of 2004

ORDER:

When the petitioner failed to pay the arrears due under the Employees' State Insurance Act, in respect of Recovery Certificate dated 08-11-1999, 12-04-2000 & 17-10-2002, issued basing on the observation of the Insurance Inspector of the Employees' State Insurance Corporation in Memo dated 18-06-2002, the present impugned order dated 18-10-2004 is passed by the 1st respondent. Challenging the same, the present writ petition has been filed.

2. The learned counsel for the petitioner-company contended that the petitioner-company is nothing to do with the Company viz., Sri Seetha Ramanjaneya Carbonic Acid Gas Manufacturing Company run by its Proprietor M.Nageswara Rao with his Code No.S2-3072-96, for which a show cause notice dated 12-10-2004 was issued.

3. The learned standing counsel for the respondents contended that the jurisdiction of the issuing authority of the proceedings dated 18-10-2004 is not under challenge and that a statutory appeal is provided under the Employees' State Insurance Act, 1948 and therefore, the petitioner has to avail that remedy in stead of filing the present writ petition.

4 . Since the jurisdiction of the impugned proceedings is not under challenge and it is only a consequential order in pursuance of the Recovery Certificate dated 08-11-1999, 12-04-2000 and 17-10-2002, I am of the considered opinion that the writ petition is devoid of merit and is dismissed, with a liberty to the petitioner to file an appeal before the competent authority as provided under the Act within a period of two weeks from the date of receipt of a copy of this order.

5 . Accordingly, the writ petition is dismissed with the above said observation. In the circumstances, there shall be no order as to costs.

_____ December

27, 2004

Kvr

TO

1 The Asst.Director, Employees' State Insurance Corporation
Sub Regional Office, Padmanabha Buidlings, Gandhi
Nagar Vijayawada-520 003.
2 The Recovery Officer, Employees

State Insurance Corporation
Sub Regional Office, Padmanabha Buidlings, Gandhi
Nagar Vijayawada-520 003.

3 Two C.D. Copies.